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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,423	08/16/2001	Yong Kyu Kwon	8512-399	2902

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McGuire Woods LLP  
1750 Tysons Boulevard  
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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/931,423

**Applicant(s)**

KWON ET AL.

**Examiner**

Ljiljana (Lil) V. Ciric

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003 and 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachments (A), (B), (C).

## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the amendments and arguments filed on December 22, 2003 and on March 9, 2004.
2. Applicant is advised that the replacement amendments to the claims filed on March 9, 2004 are still not in full compliance with the revised amendment practice effective July 30, 2003 because the amendments filed on March 9, 2003 identify some (but, for some reason, no longer all) of the limitations added to the claims via underlining as required. Nevertheless, in the interest of going forward with the prosecution in this application while keeping the file wrapper history clear, the examiner has provided (in lieu of sending out yet another non-responsive amendment communication to applicant) a properly marked up copy of the claims as Attachment A hereto.
3. Claims 1, 4 through 7, and 10 through 14 remain in the application, all as amended, either directly or indirectly. Claims 5 and 11 remain withdrawn from further consideration as noted in greater detail below and in the previous Office action.

### *Response to Arguments*

4. Applicant's arguments filed on December 22, 2003 and on March 9, 2004 have been fully considered but they are not particularly clearly stated due to idiomatic and grammatical informalities and are not persuasive.

As a preface to the following traversal of applicant's arguments, the examiner hereby notes that the claims in a pending application should be given their *broadest* reasonable interpretation. See In re Pearson, 181 USPQ 641 (CCPA 1974).

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Contrary to applicant's arguments, and even without a particularly broad interpretation of the pending claims, Wulle indeed discloses the invention as claimed and as noted in greater detail in the previous Office action and below. See Figure 3 [Attachment (C)].

In response to applicant's argument that the *Wulle* and the *Shiraki Kinzoku Kogyo K.K* references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the blower...being positioned between the inside portion of the tempering core and the outside portion of the tempering core", "heat exchanging" by the evaporator happening twice and not once) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments thus fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments thus also do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

#### ***Election/Restriction***

5. This application contains claims 5 and 11 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection MUST include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

#### ***Specification***

6. Receipt and entry of an amended abstract filed on December 22, 2003 is hereby acknowledged.

#### ***Claim Objections***

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7. Claims 1, 4, 6 objected to because of the following informalities, for example: "a predetermined second portion" [claim 1, line 2] should be replaced with "a second predetermined portion" for improved consistency and readability; "for guiding flow of first heat-exchanged air" [claim 6, line 2] should be replaced with "for guiding a flow of heat-exchanged air", for improved grammatical correctness and clarity; "the heat exchanging device" [claim 14, line 2] should be replaced with "a heat exchanging device" for improved grammatical correctness and clarity; "to generate heat-exchanged air" should be added immediately following "towards the blower" [claim 14, line 13] for improved readability and clarity; "the first heat-exchanged air" [claim 14, line 14] should be replaced with "the heat-exchanged air" in order to improve clarity and consistency; and, "form the blower" [claim 14, line 14] should be replaced with "from the blower" for improved grammatical correctness and readability. Appropriate correction is required.

*Claim Rejections - 35 USC §102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4, 6, 7, 10, and 12 through 14 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wulle*.

*Wulle* discloses a "heat exchanger" essentially as claimed, including: a tempering core 12 or coils 17 readable on the evaporator as cited in the claims of the instant invention; a blower 14 including blower motor 15; a flange 25 readable on the air inlet or air inlet unit as recited in the claims of the instant invention; an air outlet unit or air outlet formed between base 9 and casing 11; and, a guide or flange 26. The inside portion of the tempering core 12 or coils 17 is readable on the first predetermined portion as recited in the claims of the instant invention, whereas the outside portion of the tempering core 12 or coils

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17 is readable on the second predetermined portion as recited in the claims of the instant invention. Especially refer to Figure 3 of the reference [Attachment (C)], noting that any unlabeled element in Figure 3 of the reference has the reference number previously assigned thereto as shown in Figure 1 [Attachment (A)], for example.

The reference thus reads on the claims.

10. Alternately, claims 1, 4, 6, 7, 10, and 12 through 14 are rejected under 35 U.S.C. 102(b) as being anticipated by *Shiraki Kinzoku Kogyo K.K.*

*Shiraki Kinzoku Kogyo K.K.* discloses a "heat exchanger" essentially as claimed, including: a heat pipe 12 readable on the evaporator as recited in the claims of the instant invention, having a first predetermined portion 12b and a second predetermined portion 12a; a blower 14; an air inlet unit 3 or air inlet 1; an air outlet unit 5 or air outlet 2; and, at least one guide unit or guide flap 20, for example. The air flow patterns as shown in Figures 1 and 2 match those recited in claim 14, for example.

The reference thus reads on the claims.

### ***Conclusion***

11. The following additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the additionally cited references discloses a heat exchanger or an evaporator in combination with a blower which directs airflow therethrough.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (703) 308-1272.

The NEW central official fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

May 14, 2004

  
LJILJANA V. CIRIC  
PRIMARY EXAMINER  
ART UNIT 3753